

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M No. 6603 of 2016
Date of decision: 24.10.2016**

Maninder Kumar @ Sunny

...Petitioner

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balram Singh, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab
for respondent No. 1-State.

Mr. Gurmandeep Singh Brar, Advocate
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 10 dated 06.02.2016 (**Annexure P-1**), registered under Section 376 of the Indian Penal Code at Police Station Bhogpur, Jalandhar City and all subsequent proceedings arising therefrom in view of the compromise by way of an affidavit of complainant-Sukhvinder Kaur (**Annexure P-5**).

The FIR has been registered on the statement of complainant-Sukhvinder Kaur on the allegations that the accused-petitioner has done sexual intercourse and harassed her physically on the pretext that he would marry her. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences. The complainant, in her affidavit, has submitted that the petitioner and complainant have married and living

happily now.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate First Class at Jalandhar, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. No other case or PO proceeding is pending against either of the parties.

Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondent No. 2-complainant admit the factum of compromise and submit that in case the parties have indeed settled their dispute, they would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the rival parties and gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that the dispute has

been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Cr.) 543*, this petition is allowed and FIR No. 10 dated 06.02.2016 (**Annexure P-1**), registered under Section 376 of the Indian Penal Code at Police Station Bhogpur, Jalandhar City and all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of.

October 24, 2016
Ansari

(JAISHREE THAKUR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>